

SENATE BILL 321

R5
SB 103/09 – JPR

01r2002

By: **Senator Stone**
Introduced and read first time: January 28, 2010
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **The Delegate John Arnick Electronic Communications Traffic Safety Act of**
3 **2010**

4 FOR the purpose of prohibiting a driver of a certain school vehicle from using a
5 handheld telephone under certain circumstances; prohibiting a holder of a
6 learner's instructional permit or provisional driver's license who is 18 years of
7 age or older from driving a motor vehicle while using a handheld telephone;
8 prohibiting a certain driver of a motor vehicle that is in motion from using the
9 driver's hands to use a handheld telephone except under certain circumstances;
10 providing that a violation of this Act may be enforced only as a secondary
11 action; establishing penalties for a violation of this Act; authorizing the court to
12 waive a certain penalty under certain circumstances; providing for exceptions to
13 certain provisions of this Act relating to prohibitions on using handheld
14 telephones while driving; defining certain terms; and generally relating to
15 prohibitions against the use of handheld telephones while operating a motor
16 vehicle.

17 BY adding to
18 Article – Transportation
19 Section 21–1124.2
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Transportation**

25 **21–1124.2.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(2) “HANDHELD TELEPHONE” MEANS A HANDHELD DEVICE USED**
4 **TO ACCESS WIRELESS TELEPHONE SERVICE.**

5 **(3) “9-1-1 SYSTEM” HAS THE MEANING STATED IN § 1-301 OF**
6 **THE PUBLIC SAFETY ARTICLE.**

7 **(B) THIS SECTION DOES NOT APPLY TO:**

8 **(1) EMERGENCY USE OF A HANDHELD TELEPHONE, INCLUDING**
9 **CALLS TO:**

10 **(I) A 9-1-1 SYSTEM;**

11 **(II) A HOSPITAL;**

12 **(III) AN AMBULANCE SERVICE PROVIDER;**

13 **(IV) A FIRE DEPARTMENT;**

14 **(V) A LAW ENFORCEMENT AGENCY; OR**

15 **(VI) A FIRST AID SQUAD; AND**

16 **(2) USE OF A HANDHELD TELEPHONE BY THE FOLLOWING**
17 **INDIVIDUALS WHEN ACTING WITHIN THE SCOPE OF OFFICIAL DUTY:**

18 **(I) LAW ENFORCEMENT PERSONNEL; AND**

19 **(II) EMERGENCY PERSONNEL.**

20 **(C) THE FOLLOWING INDIVIDUALS MAY NOT USE A HANDHELD**
21 **TELEPHONE WHILE OPERATING A MOTOR VEHICLE:**

22 **(1) A DRIVER OF A CLASS H (SCHOOL) VEHICLE THAT IS**
23 **CARRYING PASSENGERS AND IN MOTION; AND**

24 **(2) A HOLDER OF A LEARNER’S INSTRUCTIONAL PERMIT OR A**
25 **PROVISIONAL DRIVER’S LICENSE WHO IS 18 YEARS OF AGE OR OLDER.**

26 **(D) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL**
27 **SPECIFIED IN SUBSECTION (C) OF THIS SECTION.**

1 **(2) A DRIVER OF A MOTOR VEHICLE THAT IS IN MOTION MAY NOT**
2 **USE THE DRIVER'S HANDS TO USE A HANDHELD TELEPHONE OTHER THAN TO**
3 **INITIATE OR TERMINATE A WIRELESS TELEPHONE CALL OR TO TURN ON OR**
4 **TURN OFF THE HANDHELD TELEPHONE.**

5 **(E) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A**
6 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A**
7 **SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

8 **(F) (1) A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS**
9 **SUBJECT TO THE FOLLOWING PENALTIES:**

10 **(I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN**
11 **\$100; AND**

12 **(II) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF**
13 **\$250.**

14 **(2) FOR A FIRST OFFENSE UNDER THIS SECTION, POINTS MAY**
15 **NOT BE ASSESSED AGAINST THE INDIVIDUAL UNDER § 16-402 OF THIS ARTICLE**
16 **UNLESS THE OFFENSE CONTRIBUTES TO AN ACCIDENT.**

17 **(G) THE COURT MAY WAIVE A PENALTY UNDER SUBSECTION (F) OF THIS**
18 **SECTION FOR A PERSON WHO:**

19 **(1) IS CONVICTED OF A FIRST OFFENSE UNDER THIS SECTION;**
20 **AND**

21 **(2) PROVIDES PROOF THAT THE PERSON HAS ACQUIRED A**
22 **HANDS-FREE ACCESSORY, AN ATTACHMENT OR ADD-ON, A BUILT-IN FEATURE,**
23 **OR AN ADDITION FOR THE PERSON'S HANDHELD TELEPHONE THAT WILL ALLOW**
24 **THE PERSON TO OPERATE A MOTOR VEHICLE IN ACCORDANCE WITH THIS**
25 **SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.